

REMARKS

This Amendment is submitted in response to the Office Action dated May 3, 2006, having a shortened statutory period set to expire August 3, 2006.

In the present Amendment, Applicant has submitted an amendment to eliminate an error noted in paragraph 0078. Because the proposed amendment entails a deletion, the proposed amendment to the specification does not introduce any new matter.

At page 1 of the present Office Action, Claims 1-20 are rejected under 35 U.S.C. § 103 as obvious over *Myllymaki* (US 2002/0102988) in view of *Rigo* (US 2002/0049535). That rejection is respectfully traversed, and favorable reconsideration of the claims is respectfully requested.

Applicant respectfully submits that the combination of *Myllymaki* and *Rigo* does not render exemplary Claim 1 unpatentable under 35 U.S.C. § 103 because that combination of references does not teach or suggest each feature recited in exemplary Claim 1 as amended herein. For example, the combination of cited references does not teach or suggest:

a processing unit coupled to the GPS receiver and the wireless wide-area network transmitter, wherein the processing unit receives from said GPS receiver data describing a plurality of waypoints within a route of a fitness activity, determines athletic performance information at multiple waypoints therefrom, said athletic performance information including athletic performance information indicative of velocity, and outputs at least said plurality of waypoints within the route to said wireless communication network during traversal of the route via said wireless wide-area network transmitter.

At page 1 of the present Office Action, *Myllymaki* is cited as teaching a GPS receiver, wireless wide-area network transmitter and a processing unit. Paragraph 1 further notes that *Myllymaki* fails to teach the specific operation of the processing unit recited in Claim 1. Accordingly, *Rigo* is cited in combination with *Myllymaki* as teaching “determining route information” and “the processing unit output[ting] the route information to the wireless communication network”, with specific reliance upon paragraphs 0022-0025 of *Rigo*. The cited

passage of *Rigo* discloses that an automobile's telematics system can communicate "geographical position and direction of travel" to an off-board computing system via a two-way wireless communications connection in response to a query by the off-board computing system.

Applicant respectfully submits that the combination of references does not teach or suggest the features now recited in exemplary Claim 1. For example, the combination of references does not disclose that a processing unit that "determines athletic performance information at multiple waypoints therefrom, said athletic performance information including athletic performance information indicative of velocity," as now recited in Claim 1. As made clear by both *Myllymaki* and *Rigo*, the combined prior art system is entirely location based and does not teach or suggest "determining athletic performance information" and, in particular, does not teach or suggest determining "athletic performance information indicative of velocity". Because the combination of cited references does not teach or suggest each feature recited in exemplary Claim 1 as amended herein, Applicant respectfully submits that the rejections of Claim 1, similar Claim 11 and their respective dependent claims under 35 U.S.C. § 103 are overcome.

Applicant further submits that Claim 3 is further patentable over the combination of *Myllymaki* and *Rigo* because that combination of references does not disclose any of the features of Claim 3. Claim 3 specifically recites "said GPS receiver comprises an assisted GPS receiver," "said wireless wide-area network receiver receives at least elevation information," and "said processing unit determines at least a portion of said athletic performance information utilizing said elevation information." Applicant has reviewed paragraphs 0013-0022 of *Myllymaki*, which were cited at page 3 of the present Office Action as teachings these features, and respectfully submits that the claimed features are not disclosed in the cited passage of *Myllymaki*. Consequently, the combination of *Myllymaki* and *Rigo* cannot render Claim 3 unpatentable under 35 U.S.C. § 103.

Claim 12, which is rejected under the same reasoning as Claim 3, is similarly not rendered unpatentable by the combination of *Myllymaki* and *Rigo* because that combination of references (and particularly paragraphs 0013-0022 of *Myllymaki*) does not teach or suggest "third

instructions that receive elevation information” and “first instructions determine at least a portion of said athletic performance information utilizing said elevation information,” as recited in Claim 12.

Applicant further respectfully submits that Claims 8 and 17 are also patentable over the combination of *Myllymaki* and *Rigo* because that combination of references does not disclose that the “wireless wide-area network receiver receives said training recommendation in a voice-over-Internet Protocol (VoIP) session,” as recited in exemplary Claim 8. Applicant notes that the present Office Action does not make a *prima facie* case of obviousness with respect to Claim 8, but cites paragraphs 0022-0025 of *Rigo* as disclosing similar features in Claim 17. However, the cited passage of *Rigo* does not disclose VoIP or the communication of training recommendations in a VoIP session as claimed. Consequently, the combination of *Myllymaki* and *Rigo* does not render Claims 8 and 17 unpatentable under 35 U.S.C. § 103.

The rejections of Claims 10 and 19 under 35 U.S.C. § 103 in view of the combination of *Myllymaki* and *Rigo* are further believed to be overcome because that combination of references does not teach or suggest that the “processing unit stores at least some of said athletic performance information pertaining to particular ones of the plurality of waypoints within said data storage device in association with said particular ones of the plurality of waypoints,” as recited in exemplary Claim 10 as amended herein. With respect to Claim 10, page 4 of the present Office Action cites paragraphs 0022-0023 of *Myllymaki*, which discloses storing the “current location of the user” in a database. Applicant respectfully submits that “athletic performance information” is not disclosed by the mere storage of location. Moreover, Claim 10 now recites the storage of “athletic performance information pertaining to particular ones of the plurality of waypoints ... in association with said particular ones of the plurality of waypoints.” The mere disclosure by the combination of references of the storage of location does not disclose both the claimed “athletic performance information” and “plurality of waypoints.” Consequently, the rejections of Claims 10 and 19 under 35 U.S.C. § 103 in view of the combination of *Myllymaki* and *Rigo* are overcome.

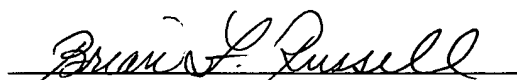
Applicant further respectfully submits that Claim 20 is not rendered unpatentable by the combination of *Myllymaki* and *Rigo* under 35 U.S.C. § 103 because the present Office Action does not set forth a *prima facie* case of obviousness by alleging that the combination of references teaches or suggests each claim feature as required by MPEP 2143.03.

In the present Amendment, Applicant has also entered Claims 21-27, each of which depends directly or indirectly from Claim 1 and further patentably defines the present invention over the cited combination of *Myllymaki* and *Rigo*.

Having now responded to each rejection set forth in the present Office Action, Applicant believes all pending claims are now in condition for allowance and respectfully requests such allowance.

Enclosed is a check in the amount of \$175.00 for 7 additional claims in excess of 20. No additional fee is believed to be required. If, however, any additional fees are required, please charge those fees to Dillon & Yudell LLP Deposit Account No. **50-3083**.

Respectfully submitted,



Brian F. Russell

Registration No. 40,796

DILLON & YUDELL LLP

8911 N. Capital of Texas Hwy., Ste. 2110

Austin, Texas 78759

(512) 343-6116

ATTORNEY FOR APPLICANT